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Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1494 (2003) of 30 July 2003, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2004. It provides an update of the situation in Abkhazia, Georgia, since my report of 17 October 2003 (S/2003/1019).

2. My Special Representative for Georgia, Heidi Tagliavini, continued to head UNOMIG. Major General Kazi Ashfaq Ahmed (Bangladesh) continued to serve as the Chief Military Observer. The strength of UNOMIG as at 1 January 2004 was 118 military observers and 10 civilian police officers (see annex).

II. Political process

3. In the ongoing effort to advance the Georgian-Abkhaz peace process, my Special Representative and UNOMIG, with the support of the Group of Friends, continued work in three priority areas — economic cooperation, return of refugees and internally displaced persons, and political and security matters — as recommended at the United Nations-chaired meetings of the Group of Friends in February and July 2003 (see S/2003/412, para. 3, and S/2003/1019, paras. 5-8). Results-oriented activities on these three sets of issues, including within the framework of the working groups, agreed to in Sochi by the President of Georgia and the President of the Russian Federation in March 2003 (see S/2003/412, para. 5), remained key vehicles for building common ground between the Georgian and Abkhaz sides and, ultimately, for initiating meaningful negotiations on a comprehensive political settlement based on the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter (see S/2002/88, para. 3).

4. Since the parliamentary elections on 2 November 2003, developments in Georgian domestic politics, which I followed closely, led to increased instability in the country. I called upon all parties to exercise maximum restraint and urged them to undertake all possible efforts to initiate a viable political dialogue towards a peaceful solution to the crisis. Following the resignation of President Eduard Shevardnadze on 23 November 2003, I conveyed to Interim President Nino

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Burjanadze the appreciation of the international community for the steps undertaken to resolve the political crisis within the constitutional framework and assured her of the United Nations support and continued engagement in the Georgian-Abkhaz peace process.

5. My Special Representative remained in close contact with the two sides and with representatives of the Group of Friends, both in Tbilisi and in their respective capitals, in particular to prevent the peace process from stalling or even backsliding in view of the volatile political situation. She held separate consultations with the Special Representative of the President of the Russian Federation for the Georgian-Abkhaz conflict, First Deputy Foreign Minister Valery Loshchinin, and the German Special Envoy for Russia, the Caucasus and Central Asia, Norbert Baas, in Moscow and Berlin, respectively. She also met with the Special Negotiator for Eurasian Conflicts of the State Department of the United States of America, Rudolf Perina.

6. From 20 to 24 November 2003, the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, together with my Special Representative, held talks with the Georgian and Abkhaz leaders in Tbilisi and Sukhumi. While reviewing progress since his previous visit in November 2002, the Under-Secretary-General impressed upon the sides the importance of further compliance with the 1994 Moscow Agreement (S/1994/583 and Corr.1, annex I), regular dialogue and continued practical cooperation, in particular on security matters and issues of return. On 24 November 2003, he confirmed in a meeting with the newly appointed Interim President of Georgia that the United Nations remained committed to facilitating a lasting settlement with full respect for Georgia's sovereignty and territorial integrity.

7. In an effort to support the sides in upholding earlier commitments and maintaining a regular dialogue in a complex political environment, my Special Representative stepped up efforts aimed at convening the second meeting on security guarantees (see S/2003/751, para. 5). While both sides acknowledged the need for further in-depth exchanges on this issue, the meeting could not be held. The Abkhaz side stated that it would not engage in a dialogue with the Georgian side until after the presidential elections in January 2004. The planned review meeting on the implementation of the Gali protocol of 8 October 2003 (see S/2003/1019, para. 10), scheduled for December, was postponed for similar reasons.

8. Meanwhile, the Mission continued to prepare the ground for sustainable return of refugees and internally displaced persons in safe and dignified conditions, initially to the Gali district. In cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), UNOMIG further elaborated its draft concept paper on return, on the basis of feedback received from both sides, in preparation for a subsequent session of the Sochi working group on this issue.

9. In line with the recommendations of the second United Nations-chaired meeting of the Group of Friends, from 12 to 18 October 2003, my Special Representative led a joint Georgian-Abkhaz visit, at the ministerial level, to Bosnia and Herzegovina and to Kosovo, Serbia and Montenegro (see S/2003/1019, para. 6). The visit provided the sides with the opportunity to study best practices of United Nations-led operations in post-conflict situations, in particular relating to policing and refugee return, as well as to witness the ongoing efforts towards multi-ethnic reconciliation. Both sides assessed the role of the United Nations in these processes and the results achieved so far as positive. They expressed particular interest at the

prospect of having their police officers trained at the Kosovo Police Service School, which is led by the Organization for Security and Cooperation in Europe (OSCE). UNOMIG has completed its initial analysis of how some of the lessons learned from specific post-conflict problems encountered in the Balkans could be purposefully transposed to the Georgian-Abkhaz peace process.

10. As a follow-up to the 2002 security assessment mission (see S/2003/412, para. 16), the Bureau for Crisis Prevention and Recovery of the United Nations Development Programme (UNDP) led a mission to the Gali region and the adjoining conflict-affected areas of Ochamchira and Tkvarcheli districts from 30 November to 17 December 2003. The purpose of the mission was to assess the feasibility of a sustainable recovery process for the local population and potential returnees and to identify further actions to improve the overall security conditions and ensure sustainable return. In particular, the mission examined the social and economic rehabilitation needs and the modalities and priorities for implementation of the mission's recommendations. Representatives of UNHCR, the United Nations Children's Fund, the United Nations Volunteers programme (UNV) and UNOMIG took part in the mission. UNOMIG played a key role in the preparation and the implementation of the mission. The mission reviewed the level of damage to the local economic and social infrastructure, rehabilitation needs in agriculture and economics, shelter and infrastructure, health and education, and institutional strengthening and examined the feasibility of a phased holistic and area-based rehabilitation approach. The mission noted that possible rehabilitation programme efforts should contribute to the achievement of an adequate security environment and vice versa.

11. While the Abkhaz side took a generally constructive approach towards increased practical cooperation, it persisted in its refusal to receive the paper on competences and its transmittal letter. It continued to invoke its unilateral "declaration of independence" of 1999 (see S/1999/1087, para. 7) as the key obstacle to any status negotiations.

12. UNOMIG pursued its mandated activities despite the complex and politically volatile environment resulting from the change of leadership in Tbilisi in the second half of November and the pre-positioning of political forces in Sukhumi in anticipation of the 2004 elections for the de facto presidency. Following President Shevardnadze's resignation, the Abkhaz side expressed apprehension that the instability in Tbilisi could spill over to its territory or that the new leadership would adopt a harder line vis-à-vis the conflict settlement, referring, inter alia, to the militant rhetoric of some Georgian politicians about the possibility of resorting to military options for resolving the conflict. At the same time, it expressed a keen interest in the stabilization of the situation in Tbilisi and a continuation of the negotiation process after a new president and government are in place. The Georgian side strongly criticized the invitation for simultaneous visits to Moscow by high-level Abkhaz and South Ossetian de facto officials and the Head of the Autonomous Republic of Adjara at the end of November 2003 without prior consultation or coordination with the leaders of Georgia. It protested statements made by some Abkhaz de facto officials about enhanced military preparedness and continued to be sharply critical of the visa-free travel regime to the Russian Federation for Abkhaz residents, the organized campaign by the Abkhaz to acquire Russian citizenship and further Abkhaz efforts aimed at pursuing the idea of establishing associated relations with the Russian Federation (see S/2003/412, para. 7).

13. In view of the political developments referred to in paragraph 12 above, it was agreed that the next United Nations-chaired high-level brainstorming session would be held in early 2004.

III. Operational activities

14. Daily UNOMIG ground patrols of the Gali and Zugdidi sectors continued throughout the period under review. No violations of the 1994 Moscow Agreement were recorded.

15. Patrols to the Kodori Valley remained suspended in the wake of the kidnapping of four UNOMIG personnel on 5 June 2003 (see S/2003/1019, para. 18). Following the completion of UNOMIG's inquiry into the hostage incident, which recommended additional security measures for the safety and security of the military observers, the Mission has begun working with the Georgian and Abkhaz sides, as well as with the Commonwealth of Independent States (CIS) peacekeeping force, to formulate an appropriate operational plan for the resumption of patrolling in the spring of 2004. Patrols will resume only when more robust security measures have been finalized and implemented, and following a demonstrable commitment by both sides, in particular the Georgian authorities, to ensure the security of UNOMIG staff. Helicopter patrols also remain suspended due to ongoing concerns about security; administrative flights have continued along specially designated routes over the Black Sea.

16. UNOMIG continued its efforts at the operational level to build trust between the sides and reduce the potential for misunderstandings. The UNOMIG-chaired joint fact-finding group, which includes the active participation of the sides and the CIS peacekeeping force, continued to investigate violent incidents. The working group of the joint fact-finding group moved from Sukhumi to Gali to reduce its response time; most incidents continue to take place in the Gali sector. Eight cases are currently under investigation.

17. The weekly quadripartite meetings have continued to provide a constructive platform for both sides to discuss security-related matters in the presence of the Chief Military Observer and senior staff of the CIS peacekeeping force. Issues of concern during the reporting period included Georgian objections to Abkhaz "border guards" and "customs posts", and Abkhaz concerns about the activities of illegal armed groups operating across the ceasefire line.

Kodori Valley

18. In the absence of its own patrols to the Kodori Valley, UNOMIG continued to rely on reports from the CIS peacekeeping force and the sides for information on the situation there. All three sources indicated that the security situation throughout the reporting period remained calm. Indeed, much of the Valley has been impassable since October, following torrential flooding that damaged or destroyed a number of bridges and washed away large sections of the main road along both the Georgian-controlled upper Kodori Valley and the Abkhaz-controlled lower Valley. Both the Georgian and the Abkhaz authorities have reported that major repairs will be

required before the road along the Valley can again be used; these repairs will not begin until spring.

19. UNOMIG worked to establish additional mechanisms to build confidence between the sides in the Kodori Valley. In this connection, it facilitated the establishment of a direct telephone link between the Abkhaz authorities and the senior Georgian representative in the upper Kodori Valley. It has already been used by the sides to brief each other on the extent of the damage following the October floods and subsequent winter snows; it has also been instrumental in facilitating humanitarian assistance to members of the local community.

Gali sector

20. There was a significant deterioration in the security environment in the Gali sector in early October, with the killing of 10 persons over an eight-day period. In the most serious incident, two Abkhaz militia personnel, one local woman and two of the perpetrators were killed on 5 October in an ambush near the Dikhazurga Abkhaz security post, east of Gali city close to the ceasefire line. In separate attacks, two men were killed on 3 October. On 9 October, one woman was killed during a robbery, and in addition, two dead bodies were found in Kokhora village, north of Gali city.

21. It will be recalled that, on 8 October 2003, the sides, UNOMIG and the CIS peacekeeping force signed in Gali a protocol under the terms of which both parties agreed to cooperate more closely with each other in the fight against crime and with UNOMIG to improve the prevailing security climate (see S/2003/1019, para. 10). The implementation of this protocol is monitored at the weekly quadripartite meetings. As a further step to improve security, UNOMIG increased its patrolling, with the redeployment to the Gali sector of six additional military observers from other parts of the mission area.

22. The security situation improved by mid-October, though there were further periods of instability. Six more killings were reported during the balance of the reporting period, including a murder on 17 October; the killing of one man on 3 November and of another one on 14 November; the killing of two men in separate incidents on 12 December; and, most recently, the murder of the mayor of Gagida, a village in the lower Gali district, on 20 December. Most of these incidents took place in locations near the ceasefire line. Figures for the overall reporting period included 16 killings in 10 separate incidents, 15 robberies, 3 shootings and 5 abductions. In addition, on 23 November, three persons were detained by the Abkhaz militia after an incident on 17 November, in which a CIS peacekeeping force vehicle was fired upon. They had all been released by 29 November. On 27 December, 25 local residents were temporarily detained by Abkhaz militia following the kidnapping of three Abkhaz guards on 25 December. The latter were freed unharmed on 28 December. Some villages organized self-protection units and/or employed security guards to protect their crops during the mandarin harvest season. Abkhaz security forces in the Gali sector remained on a heightened state of alert throughout the reporting period, initially in preparation for, and later as a result of, the Georgian parliamentary elections.

Zugdidi sector

23. There was a similar increase in the number of violent and criminal acts in the Zugdidi sector, though the number of killings was well below that recorded in the Gali sector: 6 killings in four separate incidents, 16 robberies and 3 shootings were recorded. On 4 December, approximately 65 internally displaced persons staged a peaceful protest outside the Zugdidi sector headquarters against the Government's non-payment of monthly allowances. The matter was resolved with the assistance of local civilian and police authorities, who assured UNOMIG of appropriate measures for the safety and security of UNOMIG personnel, including on patrols. Opposition political groups also staged low-key demonstrations outside Government buildings, throughout the month of November, to protest the official results of the parliamentary elections.

IV. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States

24. UNOMIG and the CIS peacekeeping force continued to work together closely at the operational and command levels, particularly in the joint fact-finding group and the weekly quadripartite meetings. This cooperation was underpinned by regular contact on the part of my Special Representative and the Chief Military Observer with the Commander of the CIS peacekeeping force, as well as regular meetings at the working level.

V. Policing issues

25. In keeping with the Security Council's decision to strengthen the capacity of UNOMIG to carry out its mandate by adding a civilian police component to the Mission, the first 10 officers, including the senior police adviser and his chief of staff, were deployed in November and December 2003. The deployment of the remaining members of the component, however, has been temporarily delayed. This followed advice from the de facto Abkhaz Government that the de facto Parliament had responded negatively to the establishment of a UNOMIG police presence on Abkhaz-controlled territory, especially in the Gali district, and that as a consequence it would be necessary to delay the deployment of the remaining officers.

26. My Special Representative has been working closely with the Abkhaz authorities to agree on a formula for the operation of those officers already in place in Abkhazia, Georgia, prior to the full deployment of the remaining personnel. In the meantime, UNOMIG civilian police have held introductory meetings with members of the Georgian Government and have begun a preliminary assessment of the most immediate training and equipment needs in the Zugdidi sector. They have also started preparations for patrolling in the Zugdidi sector, in conjunction with UNOMIG military observers. The selection of 15 Zugdidi district police officers for participation in training at the OSCE-led Kosovo Police Service School is also under way.

VI. Human rights and humanitarian situation

27. The human rights situation remained precarious, particularly in the Gali district. Monitoring by the United Nations Human Rights Office in Sukhumi of several murder and abduction cases in the Gali district confirmed that the rule of law remains too weak to ensure the protection of the basic human rights — to life, physical integrity and security — of its residents. The Human Rights Office also noted that many children in the Gali district still do not have the right to education in their mother tongue. The ability of the Human Rights Office to raise awareness of, and encourage adherence to, international human rights norms will remain limited until it is permitted to establish a full-time presence in the Gali district, as recommended by the November 2000 joint assessment mission (see S/2001/59, annex II).

28. International agencies and non-governmental organizations continued efforts to help vulnerable groups by providing food, medical aid and infrastructure assistance. The HALO Trust continued to provide demining services and mine-awareness training. UNHCR finalized the 2003 portion of its school rehabilitation project with repairs completed during the last quarter of 2003 on a further seven schools in Abkhazia, Georgia, including six in the Gali district. More than 14,000 children in Abkhazia continue to benefit from the UNHCR school rehabilitation programme. UNHCR continued to assist more than 270 vulnerable and elderly people in Sukhumi. The Spanish non-governmental organization Acción Contra el Hambre (ACH) has begun the implementation of a new 10-month project, funded by the European Commission's Humanitarian Aid Office (ECHO) and aimed at improving the food security of vulnerable families on both sides of the ceasefire line. ACH also continues to run the World Food Programme's "food-for-work" project, also funded by ECHO, which benefits 13,550 vulnerable families. The Swiss Agency for Development and Cooperation provided funding in November for the implementation of a new community development project and continued to fund a project intended to improve the quality of individual and collective housing. The United Nations Development Fund for Women arranged seminars on the role of women in peace-building, gender issues and community dialogue and issued the first edition of a magazine in the Gali district on women and peace. The UNV programme focused on the development of local non-governmental organizations and the promotion of income-generating projects.

29. UNOMIG continued to provide timely and targeted assistance for the improvement of living conditions for internally displaced persons and access for its military patrols by repairing roads and bridges, with the completion of a further two quick-impact projects, bringing the total of completed quick-impact projects in 2003 to 16. Another 21 projects are at an advanced or intermediate stage and 10 others are awaiting the release of funds by donors.

VII. Support issues

30. The Mission has completed the construction of its containerized office complex at the UNOMIG Sukhumi headquarters, and all offices have now relocated to that complex. Office facilities formerly rented from the Aitar Hotel have been vacated.

VIII. Financial aspects

31. By its resolution 57/333 of 18 June 2003, the General Assembly appropriated an amount of $32,092,900 (gross), equivalent to $2,674,408 per month, for UNOMIG for the period from 1 July 2003 to 30 June 2004. The assessment of these amounts is subject to the decision of the Security Council to extend the mandate of the Mission.

32. Should the Security Council decide to extend the mandate of UNOMIG beyond 31 January 2004, the cost of maintaining the Mission until 30 June 2004 would be limited to the monthly amounts approved by the General Assembly.

33. As at 30 November 2003, unpaid assessed contributions to the UNOMIG Special Account amounted to $8.9 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1.1 billion.

IX. Observations

34. I welcome the momentum that the United Nations-led peace process has gained in the course of 2003, as well as the increased involvement of the Group of Friends and the renewed willingness of the sides to engage constructively on practical matters in areas of key concern — economic cooperation, return of refugees and internally displaced persons, and political and security matters. In order to assist with the prioritization and implementation of these tasks, the set of available peace process mechanisms has been expanded by the United Nations-chaired high-level meetings of the Group of Friends and complemented by the working groups set up following the Georgian-Russian summit meeting in March 2003. These initiatives have led to some progress in the period under review, in particular in the areas of return and security: the deployment of a UNOMIG civilian police component, preceded by a visit to the Balkans to study best practices, the UNDP-led rehabilitation feasibility study and further cooperation between the sides in combating criminal activities.

35. However, this progress has remained painfully slow, and it took sustained efforts by UNOMIG, supported by the Group of Friends, to keep the sides focused on moving forward. Meanwhile, the increasingly complex political situation on both sides of the ceasefire line and the events that led to the resignation of President Shevardnadze in November have put the peace process temporarily on hold. The third United Nations-chaired meeting of the Group of Friends, scheduled for early 2004, will provide a welcome opportunity to take stock and seek renewed progress on priority tasks in the peace process.

36. In this context, I encourage both sides to continue with the implementation of outstanding recommendations of the 2000 joint assessment mission and the 2002 security assessment mission: neither the opening of a branch of the Human Rights Office nor the resolution of the dispute over the language of instruction in the Gali district should be delayed further, in the light of the precarious human rights situation and the prospects of further returns to the Gali district. If the sides are truly committed to improving the security situation in the Gali district, criminal acts, irrespective of their character, should be investigated more effectively and prevented in the future. UNOMIG's civilian police component stands ready to assist the local law enforcement agencies in these tasks. In this connection, I look forward to the

confirmation by the Abkhaz side that the deployment of the remaining civilian police officers to the Gali sector can proceed, so that they can begin their mandated activities in the area.

37. Two years after the finalization of the paper on competences and its transmittal letter, which carry the full support of the Group of Friends and the Security Council, the negotiations on the future political status of Abkhazia within the State of Georgia have not yet started. Key members of the Security Council continue to reaffirm their support for Georgia's sovereignty and territorial integrity in unequivocal terms. I once again appeal to the Abkhaz side to abandon its uncompromising position and take advantage of the change of leadership in Tbilisi to negotiate a mutually acceptable and lasting settlement.

38. The security of UNOMIG personnel continues to be a major preoccupation. I remind both sides of their responsibility to ensure the safety of UNOMIG personnel at all times and to back up the assurances provided in this regard with concrete action. The sides' genuine commitment to the safety of UNOMIG staff could best be demonstrated by the arrest and prosecution of the perpetrators of the various criminal acts against UNOMIG personnel, including the shooting down of a UNOMIG helicopter in 2001. Timely and effective cooperation on security-related matters will also enable the resumption of patrolling in the Kodori Valley, which remains an essential part of UNOMIG's mandate.

39. I am convinced that the presence of UNOMIG continues to be critical for maintaining stability in the zone of conflict and advancing the peace process towards a comprehensive political settlement. I therefore recommend a further extension of the mandate of UNOMIG for six months, until 31 July 2004.

40. In conclusion, I would like to pay tribute to the dedicated efforts of Heidi Tagliavini, my Special Representative, Roza Otunbayeva, her Deputy, and Major General Kazi Ashfaq Ahmed, the Chief Military Observer. Their professionalism and leadership continue to guide the Mission's efforts to facilitate a durable solution to the conflict in Abkhazia, Georgia. I also commend the men and women of UNOMIG for their commitment and perseverance in carrying out, under demanding and at times dangerous circumstances, the tasks entrusted to them by the Security Council.

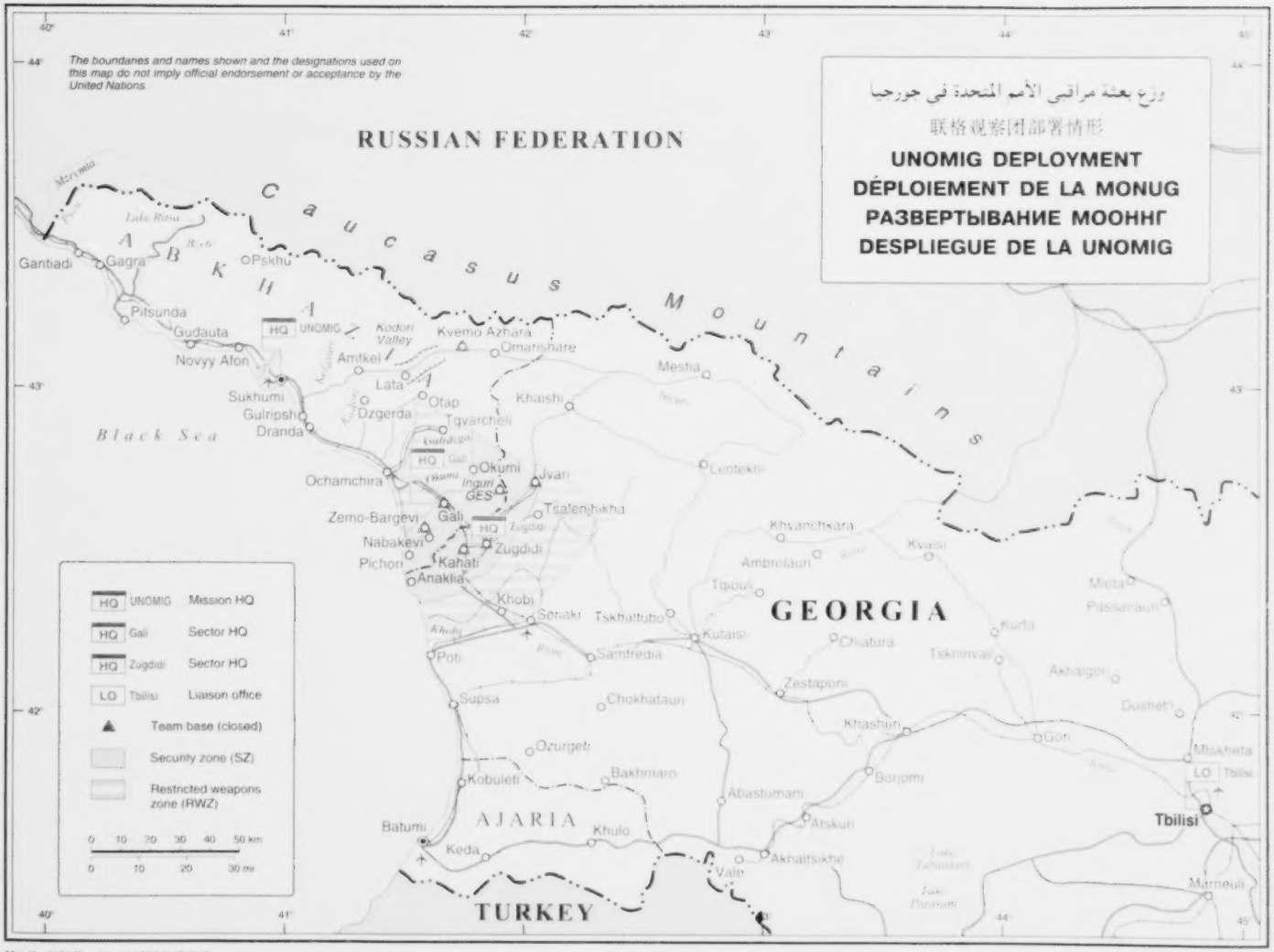
Annex

Countries providing military observers and civilian police personnel (as at 1 January 2004)

Country	*Military observers*
Albania	3
Austria	2
Bangladesh	9[a]
Czech Republic	6
Denmark	5
Egypt	3
France	3
Germany	12
Greece	5
Hungary	7
Indonesia	4
Jordan	7
Pakistan	9
Poland	4
Republic of Korea	7
Russian Federation	3
Sweden	3
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**118**

Country	*Civilian police personnel*
Germany	4
Hungary	2
Poland	1
Switzerland	3
Total	**10**

[a] Including the Chief Military Observer.



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